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UNCLAS OTTAWA 000361

SIPDIS

DEPARTMENT FOR OES/O (DAS WEST), OES/OA (ARNAUDO AND PLE), OES/OMC (BALTON), WHA/CAN (MASON AND RUNNING)

USDOC FOR NOAA AND NMFS

E.O. 12958: N/A

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SUBJECT: BOWHEAD DEMARCHE DELIVERED: STILL NO MOVEMENT

REFTELS: A) 00 STATE 241728; B) 01 OTTAWA 163; C) 03

STATE 27418

1. ON FEBRUARY 4, 2003, ESTOFF DELIVERED THE DEMARCHE CONTAINED IN REFTTEL C, REGARDING THE AUGUST, 10, 2002 CANADIAN TAKING OF AN EASTERN BOWHEAD WHALE. THE CANADIAN SIDE WAS REPRESENTED BY GLEN LINDER OF THE OCEANS LAW DIVISION (JLO) OF THE DEPARTMENT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE AND MICHELLE TOMLINSON-WELLS AND BRIAN WONG OF THE DEPARTMENT OF FISHERIES AND OCEANS (DFO), PLUS ADDITIONAL DFAIT AND DFO STAFF. ESTOFF OPENED BY SUMMARIZING THE POINTS CONTAINED IN REFTTEL C, WITH A STRESS ON OUR CONCERN THAT HIS WAS THE FIFTH TAKING IN EIGHT YEARS FROM AN ENDANGERED AND INADEQUATELY UNDERSTOOD STOCK. HE CONTINUED THAT THE UNITED STATES RECOGNIZES THE NEEDS OF INDIGENOUS PEOPLES AND CONTINUES TO ENCOURAGE CANADA TO REJOIN THE IWC AND SEEK AN IWC APPROVED QUOTA. FINALLY, HE NOTED THAT PELLY AMENDMENT CERTIFICATION OF CANADA REMAINS IN PLACE AND IMPOSES THE RESTRICTIONS OUTLINED IN REFTTEL C POINTS. ESTOFF THEN PROVIDED THE CANADIAN SIDE A COPY OF THE APPROVED POINTS AS A NON-PAPER.

CANADA RESPONDS

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2. DFAIT'S LINDER OPENED FOR THE GOC, NOTING THAT AS A COUNTRY NOT ENGAGED IN COMMERCIAL WHALING, CANADA SEES NO REASON TO RETURN TO THE IWC. HE CONTINUED THAT VERY LIMITED CANADIAN TAKINGS FROM THE EASTERN STOCK ARE CAREFULLY MANAGED, DO NOT THREATEN THE STOCK'S HEALTH AND ARE PROTECTED CONSTITUTIONAL RIGHTS OF CANADIAN INDIGENOUS PEOPLES. WONG OF DFO SPOKE NEXT, NOTING THAT IN FACT THERE HAVE ONLY BEEN FOUR LICENSED TAKINGS IN THE PAST EIGHT YEARS. ONE TAKING WAS ILLEGAL, BUT NO PROSECUTION WAS POSSIBLE, ALTHOUGH IT WAS CONSIDERED. HE CONTINUED THAT CANADA CONDUCTS RIGOROUS RESEARCH ON THE TWO EASTERN POPULATIONS (BAFFIN ISLAND AND FOXE BASIN) AND ASSERTED THAT CANADIAN TAKINGS ARE CONSISTENT NOT ONLY WITH A STABLE POPULATION, BUT IN FACT LEAVE ROOM FOR GROWTH. WONG INDICATED THAT THE GOC WOULD PRESENT AN UPDATE ON THESE STUDIES AT THE NEXT IWC MEETING IN BERLIN. LINDER CLOSED BY NOTING THAT IT IS HARD TO UNDERSTAND WHY THE U.S. WOULD EXPECT CANADA TO REJOIN THE IWC AT THIS TIME GIVEN THE "ABUSE" THE U.S. TOOK AT THE LAST IWC MEETING OVER U.S. INDIGENOUS WHALING.

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